

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN THOMAS ENTLER,

Plaintiff,

vs.

CHRISTINE GREGOIRE, et al,

Defendants.

No. 12-cv-5141-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION

BEFORE THE COURT is the Magistrate Judge's Report and Recommendation entered September 26, 2013, ECF No. 57, recommending Defendants' motion for judgment on the pleadings, ECF No. 34, be granted. Plaintiff timely filed objections. ECF No. 59.

Plaintiff's objections restate the same arguments made previously and addressed by the Magistrate Judge's report. Plaintiff again alleges defendants' conduct did not serve a legitimate penological interest. ECF No. 59 at objection (1). The magistrate judge found defendants acted reasonably in applying the prison regulations to Entler's written grievances, and that doing so reasonably advanced a legitimate correctional goal: preventing prisoners from threatening and intimidating staff. ECF No. 57 at 9-11.

Plaintiff asserts defendants are not entitled to qualified immunity. ECF No. 59 at objection (1), pages 1-4. The Magistrate Judge found that, regardless of whether Entler has established a violation of his First Amendment rights, defendants are entitled to qualified immunity because Entler's rights were not

clearly established at the time he was sanctioned. ECF No. 57 at 11-13, citing multiple cases.

Plaintiff's final objection also repeats prior contentions, namely, that he made clear in the complaint that "he was infracted for participation in the informal grievance process," and the "Free Speech" context utilized by the magistrate judge does not apply. ECF No. 59 at objection (2), page 4. However, Plaintiff's Memorandum of Law in Opposition to Defendants' Motion for Judgment on the Pleadings seeks relief for violation of "his First Amendment rights." ECF No. at 49 at ¶2.3

Having reviewed the Report and Recommendation, the Court adopts the Magistrate Judge's recommendation. Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, **ECF No. 57**, is **ADOPTED in its entirety**.

2. Defendants' motion for judgment on the pleadings, **ECF No. 34**, is **GRANTED**.

3. The complaint is dismissed with prejudice.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward uncertified copies to the parties and Magistrate Judge Hutton.

DATED this 15th day of October, 2013.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE